HONOURABLE SMT. JUSTICE T.MEENA KUMARI

WRIT PETITION No:15635 OF 1998

Dated: 12.7.2006

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Between:

1. Martha Sambaiah and another

..Petitioners

And

Warangal Municipal Corporation,
Represented by its Commissioner in Office
Situated at S.V.N. Road, Warangal. ..Respondents.

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HONOURABLE SMT. JUSTICE T.MEENA KUMARI

WRIT PETITION No:15635 OF 1998

ORDER:

This writ petition is filed seeking a direction in the nature of writ of Mandamus, declaring the notice termed as endorsement by the respondent dated 27.4.1998 in Roc.No.G2/3791/98 as illegal and arbitrary and consequently to direct the respondent to issue permission for construction of a building as specified in the plan filed along with the application dated 30.3.1998 for house bearing D.No.11/1472 situated at Lalbahadur Nagar, Warangal.

According to the writ petitioners, they purchased an old house bearing D.No.11/1472 together with open site 284.27 sq. metres. Their names were also mutated in the revenue records. While so, with a proposal to construct a house in the existing old one, the petitioners submitted an application for issuance of approved plan before the respondent. The respondent issued impugned endorsement stating that there is a lis pending before this court with regard to the site in question and hence, permission will not be granted. It is further stated that when the respondent raised a dispute with the vendors of the petitioners with regard to the site, they filed suit for declaration of their ownership and permanent injunction and the said suit was decreed and no appeal was preferred against the same and therefore, the said decree became final and therefore, the endorsement impugned is illegal. Hence the writ petition.

Heard the learned Counsel and perused the material available on record.

This writ petition is of the year 1998. The petitioners made an application for grant of plan for construction of the proposed house in the year 1998. In view of the afflux of time and having regard to the facts and circumstances of the case, without expressing any opinion on the merits of the case, I feel it appropriate to direct the petitioners to make a representation afresh before the respondent, if they so desire. On such representation, the respondent shall consider the same in accordance with law.

With the above direction, the writ petition is disposed of. No costs.

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Justice T. Meena Kumari

Date: 12th July, 2006
Nn/Gurc.